

Polit. Pamph. vol 11/5

THE
C A S E
OF THE
Marshall *Bellisle*
Truly Stated :

IN WHICH,

The Manner of his being seized in
HANOVER, the Usage he met
with there, and his Removal hither,
are examined by the LAW of NA-
TIONS, and fully justified, as well by
Precedents as Arguments; and the
Reasons of his being brought over and
detained here, explained and defended.

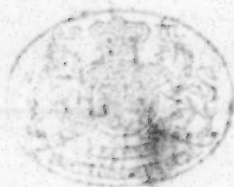
To which is prefixed,

A P R E F A C E as to the Motives of the
Present Publication.

L O N D O N :

Printed for M. COOPER, at the Globe in *Pater-*
Noster-Row. 1745.

[Price One Shilling.]





T H E
P R E F A C E.

THE CASE of the
MARSHAL DUKE DE
BELLISLE, has
been long the Subject of
Publick Discourse without
being perhaps *thoroughly*
understood. At least so one
would imagine from what

A 2

one

one hears daily said, and that too by Men of *opposite Parties*. Some, whose *extensive Charity* carries them to the height of Religion, and inclines them to *love* their *Enemies*, and *wish well* to those who *hate* them, condemn the seizing him and all that has followed, as manifestly *contrary* to the *Law of Nations*. Others who are as *perfect Politicians*, and from private Interest *hate* their very *Friends*, seem to give into this *Notion*, and out of pure *Moderation* could have been

content

content this Step had been *well weighed*, and *able Civilians* consulted before it was taken.

By Arts like these the People at Home may be possibly deluded into an Opinion, that the stopping M. *Bellisle* in the Territory of *Hanover*, the securing his Papers there, and transferring his Person hither, may countenance at least, if not justify, the *ill Usage* of our *Countrymen*, who by the Fortune of War are become *Prisoners* to the *French*.

French. The *Lex Talionis* undoubtedly takes Place where other Laws are *superseded*, and if the Manner in which we have taken and imprisoned the *illustrious Brothers* be *indefensible*, we must in our Turn *suffer* without having any *Right* to *complain*, since by our own *Conduct* we in this respect prescribed *Law* to Others.

To obviate all these *Objections*, and set the whole Affair in its *proper Light*, the following Sheets were *written*; and to do this
more

more generally and more effectually they are now printed. By perusing them it will be seen that *this Measure* has been *maturely considered*, and may be fully justified, that hitherto (except in some *Liberties* permitted here) the whole Affair of his *Capture* and *Removal* has been properly conducted with that Vigour, Openness and Spirit, which distinguished *that Administration* under which all these Steps were taken. What may hereafter *fall out* is in the *Womb* of *Time*;
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but it is hoped if He should
be set free before a General
Peace, *that* Measure will be
as well accounted for as
this.



T H E



THE
C A S E
O F
Marshal Duke DE BELLISLE.

IF there were no other Reason to prefer the present Times to the past; this alone would be sufficient to convince a Man of Sense, that we are happier than those who lived a few Ages ago, *that Princes are about nothing more solicitous, than how to justify their Conduct to the Publick.* There have been Times, when not only the lawless Wills of Men directed all Things at their Pleasure; but when Learning abetted Power, and all the little Wisdom there was in the World was fairly laid out, in endeavouring to persuade Mankind that Force was Justice, and that he who was able to do what he
B would,

would, had therefore a Right to do it. But Things are now so much altered, and Princes are so ready in their Appeals to the Publick, that they can scarce do any Thing, even in Time of War, when Justice is not supposed to expect such strict Court should be paid her; but presently they are called to an Account, and one Prince carries his Complaint against another, before the Tribunal of his own Subjects. Such is the universal Empire of Common Sense at present; and may it always extend as wide as the Air we breathe, and endure as long as the Sun that lights us!

All the remarkable Events that have happened since the breaking out of the present War have justified the Truth of this Observation, by producing Addresses to the Publick; Answers to those Addresses; Replies to those Answers; Rejoinders to those Replies, and so on; for I am not Lawyer enough to distinguish by their proper Names the *Et Cetera* of such Disputes. His most Christian Majesty appealed to the Publick, against the flagrant Injustice done him by the Court of *Vienna*, by charging him with violating the Pragmatick Sanction, whereas he made it appear to all the
World

World he only *helped* to do it. His Catholick Majesty justified himself likewise from the Imputation of Breach of Faith, and boundless Ambition, by assisting the Elector of *Bavaria*, not only against the Heiress of the House of *Austria*, whose Claim he had guaranteed, but in Prejudice to his own Right, which his Majesty assures us, gives him an undoubted Claim to the whole Succession; nay, the Queen of *Hungary* herself, in the midst of her Conquests, has deigned to submit her Cause to the Cognizance of the Publick, and that with such Success, that many People are of Opinion her Right is not better known to any than to those who fight against her. After so many Examples, it cannot be thought extraordinary that the Capture of the Marshal *Bellisle* should be brought before the same Court, where so many Causes of greater Consequence have been already tried. Thither, indeed, his most Christian Majesty has already brought it, by publishing his Letter to the *British* Court, or which is same Thing, his Minister's Letter in the *Dutch Gazettes*, before the Original had reached *London*. How decent this may be among Princes I known not; but

sure it shews great Deference for the Publick.

Thus then we are fairly in Possession of the Cause, and there is no pleading to the Jurisdiction of the Court. It is true the King of *Great-Britain*, Elector of *Hanover*, may detain the Marshal Duke de Bellisle, if the Cause should go against him before the Publick; but however the Court of *France* would in that Case carry its Point, and that Capture would be held unjust in that Country, where the Marshal is at present a Prisoner. The Point therefore to be decided, is not whether the Marshal shall or shall not be set at Liberty, but whether his Capture and Detention shall be held agreeable to Justice or not. This, I say, is the Question before the Publick, and in Order to the Decision of it, the Manner of his being seized must be first of all fairly stated.

M. de Bellisle is a Marshal, Duke and Peer of *France*, clothed with a Publick Character from his most Christian Majesty to the King of *Prussia*. He is likewise a Prince of the Empire, and said to be charged with a Commission from the Emperor *Charles VII.* to the Monarch last mentioned. The Fact is certain,
that

that having assisted as his most Christian Majesty's Minister, at a Grand Conference at *Hanau*; instead of taking the direct Road to *Madgebourg*, he turned off thro' the Mountains of *Hartz*, in the Duchy of *Lunenburgh*; where arriving at *Elbingroda*, which is the first Town in the little County of *Vernigroda*, which he had no sooner entered, than the *Hanoverian* Bailiff attended by Twenty Huntsmen, was so bold as to demand his Passport, to which the Marshal answered in a quick Tone, that he had none, nor stood in need of any. Sir, answered the Bailiff, that is a Point I cannot decide, but my Orders are to stop any Person who attempts to traverse this Country without a Pass; adding therefore since he had none, he hoped he would excuse his arresting him.

The Marshal immediately discovered his Quality, and his Character. I am, said he, a *Frenchman*, a Prince of the Empire, a Marshal of *France*, and an Ambassador, therefore consider what you have to do. Sir, replied the Bailiff, a Passport would have satisfied me better than all these Titles, which if you have not I must demand your Sword. My Sword, answered the Marshal sternly,
and

and clapping his Hand to it, my Sword, say you. Yes, Sir, said the Bailiff; these People here are Huntsmen, they never shoot twice at a Mark, and if you draw, they fire. The Party was a little unequal, and therefore the Marshal, whose Personal Courage was never called in Question, thought it no Dishonour to part with his Sword, and acknowledged afterwards under his Hand, that he was his *Britannick* Majesty's Prisoner of War. This is the Fact fairly and truly stated; thus the Capture was made; these were the Circumstances that attended it; and the Point is to know, whether the *Hanoverian* Bailiff did his Duty, or whether he did more, and consequently is not to be justified.

In the first Place, it is a Thing laid down for certain, that according to the Law of Nature and Nations, one Prince cannot take away the Liberty of another Prince's Subject without just Cause, much less pretend to detain a Person of high Distinction, and great Quality in the Country, where that Distinction and the Privileges annexed to it subsist, from whence some infer that Marshal *Bellisle*, being a Prince of the Empire, he had a Right to traverse the Electorate of
Hanover,

Hanover, as well as any other Country of the Empire, without a Passport. In this Light then we are to consider him as a Prince of *Germany*; but a Prince of what? Why a Prince of the Holy *Roman* Empire, but titular barely, and without any Privileges or Prerogatives annexed, as appears by the first Article of the fifth Section of the late Emperor's Capitulation, wherein he promises that no such Prince shall enjoy any of the Privileges annexed, till he shall be qualified by the Acquisition of a Principality, and admitted to a Seat in Right thereof, in the General Diet of the Empire, by the Consent of the Electoral College, and of the College of Princes, of which in that Case he is to become a Member. The Case then is clear upon this Head: *M. de Bellisle* is not a Prince within this Description, and consequently the Bailiff of *Elbingroda* has done nothing against the Laws of the Empire, or in breach of the *Germanic* Constitution.

If the Reader should enquire how a Man can be a Prince and no Prince, or of what Use the Emperor's Creation is, if it confers no Right, he is to be told, that it confers Rank and Title; and gives

gives a Person an Opportunity of acquiring a Principality, and of actually obtaining all the Privileges thereunto annexed ; but till this is done, such Princes are in the same Condition with some who have assumed the like Character in *France*, and whom the Court would never acknowledge ; but who nevertheless kept up their Quality among their Dependants and their Servants, whence they derive the pleasant Distinction of *Alteſſes Domestiques*, that is to say, *Princes within Doors*, which is the Case of *M. de Belliſſe*, who may have the Satisfaction of being called every Day, *His Highneſs*, by such as dare not call him otherwise. But his Highneſs, as it appears, may be a Prisoner for all that, of which the *French* Court were so well convinced, that they do not mention that Title in *M. D'Argenſon's* Epistle, or set up any Claim to his Liberty on this Account. As to his publick Character from the Emperor, that too in the present Case must be out of the Question, because there is no Proof of it, he did not mention it himself to the Bailiff, there is not so much as a Word said of it in the Letter before-mentioned, or in any other authentick Paper,

and

and therefore it is in vain to waste Time about it. Besides, if he had been vested with such a Character it would not have divested him of his other Characters, on Account of which he was seized.

The Partizans of *France* have embarrassed this Matter, as much as they were able, which looks as if they were not over satisfied with the Justice of their Cause, for it appears by some Papers printed at the *Hague*, that they think those too hasty who assert that his most Christian Majesty is at War with the Elector of *Hanover*; and the Reason they assign for it is pleasant enough. They say, that Title is added in the Declaration of War against his *Britannick* Majesty to distinguish him; but to distinguish him from whom? We know well enough that his *Polish* Majesty is stiled King of *Poland*, Elector of *Saxony*, to distinguish him from King *Stanislaus*; but for this other Distinction it is so injurious, that I do not think proper to explain it. But to come to the Matter of Fact. It is easy to prove, both by Reason and Evidence, that his most Christian Majesty is actually at War with the Elector of *Hanover*. It is a Maxim with the modern Lawyers, *Diffidato Principe;*

Principe, Diffidati ejus adhærentes, which *Grotius* in the ninth Section of his third Chapter and third Book of the Right of War and Peace explains thus: “ From
 “ the Moment that War is declared a-
 “ gainst a Sovereign, it is supposed to
 “ be declared also not only against his
 “ Subjects, but against all others who
 “ join with them, and who are there-
 “ fore to be considered in that Case as
 “ Accessories. It was for this Reason,
 “ that when the *Romans* had declared
 “ War against *Antiochus*, they would
 “ not declare it separately against the
 “ *Ætolians*, who had openly taken part
 “ with him; because, as the Heralds
 “ expressed it, the *Ætolians* themselves
 “ declared War.”

To apply this to the *Hanoverians*:
 His most Christian Majesty has declared
 War against *Great Britain*, whose Aux-
 iliaries the *Hanoverians* are; his most
 Christian Majesty has declared War a-
 gainst the Queen of *Hungary*, to whom
 the *Hanoverians* also are Auxiliaries.
 It is plain therefore, from what *Grotius*
 has laid down, that the *French* are at
 war with the Elector of *Hanover*. This
 likewise is clear in point of fact from
 the Cartel sign'd at *Francfort* between
 the

Ministers of the Elector of *Hanover* and *France*; of which we shall have occasion to speak more at large hereafter. But to put the Matter entirely out of question, let us see what the Sentiments were of a third Person, before this Case happen'd, and he too a great Prince, and a great Politician, the *Solomon* of the *North* when seated on his Throne, and a second *Machiavel* when consider'd in his Study. In the Letters of Field-Marshal Count *Schmettau*, lately communicated to the Publick by the Queen of *Hungary*, that great Minister tells his most Christian Majesty, on the Part of the great Monarch before-mentioned, that he considers the sending 45000 Men into *Hanover*, as a Point of all others the most important. Now can any one imagine, that so wise, so just, so magnanimous a Prince, would expect such a thing not only from the most equitable of Kings, but from the honestest of Men, as his most Christian Majesty is called in the same Letters, if he did not consider him as at War with the Elector of *Hanover*? Surely, no. This Fact then is out of Dispute, and the way thereby open'd to the Decision of the great, and indeed the

only, Question in this Case, which in few Words is this:

Whether the Marshal Duke de Bellisle, a Subject of his most Christian Majesty, vested with a Publick Character to the King of Prussia, had by the Law of Nations a Right in time of War to traverse the Dominions of Hanover, or not?

That the Persons of Ambassadors are by the Law of Nations held sacred is out of Dispute ; but the Point is, whether even in regard to them there are not Times and Seasons, when this Privilege of theirs is suspended ? Let us here *Grotius* upon this Point, who in the fifth Section of the eighteenth Chapter of the second Book of the Treatise before quoted delivers himself thus: “ That Article of the Law of Nations, “ says he, of which I have been speaking, which secures the Persons of Ambassadors from all Violence, ought so “ to be understood, as that it obliges “ no other Power than that to whom “ the Ambassador is sent, and that too “ only from the time he is received ; “ from whence a kind of tacit Agreement arises on that head. — This “ Law does not therefore extend to o-
“ ther

" ther Powers thro' whose Dominions
 " such Ambassadors may pass without
 " Permission. For if they are either sent
 " to their Enemies, or on the Part of their
 " Enemies, or if they commit any Act
 " of Hostility, they have a Right to
 " put them to death ; as the *Athenians*
 " actually did such as were sent by the
 " *Lacedemonians* to the King of *Persia* ;
 " and the *Illyrians* did the same with
 " respect to those who were sent from
 " the Island of *Iffus* to the *Romans*.
 " With much more reason are such
 " Ambassadors made Prisoners only ;
 " which was the Conduct pursued by
 " *Xenophon* ; by *Alexander* the Great
 " with respect to those of the *Thebans*
 " and *Lacedemonians* to *Darius* ; the
 " *Romans* to those sent by *Philip* to
 " *Hannibal* ; and the *Latines* to the
 " Ambassadors of the *Volscians*."

It would be very easy to support what
Grotius has laid down by many much
 more modern Examples, if it was at all
 necessary, or if Examples could at all
 strengthen a Law, which I must confess
 appears to me, unreasonable. If a Law
 be in itself just and right, it can need
 no Precedent to support it ; and if it be
 not, such Precedents are alledged to no
 purpose.

purpose. The only reason why *Grotius* produced them was to manifest the Law, that is, to shew that this was the Sense of the wisest and most polite People on this Subject. This was the Method, and beyond all question it was the right Method, of establishing what he wrote; for he did not pretend to give Laws, but to shew what were the Laws, that from general Consent ought to be consider'd as composing the System of the Law of Nations. This, I say, was his Intention, this is what he has fully executed; and therefore in point of Law we may rely clearly upon his Authority, which I have fairly produced in his own Words.

The learned *Wiquefort*, who was himself long a publick Minister, understood his Character perfectly, and was prompted by a personal Accident, I mean that of being imprisoned in spite of it, to examine very carefully all the Privileges annexed thereto, has given up this Point more fully than *Grotius*; for in the seventeenth Section of his first Book, the Title of which is of Passports or Safe-Conducts, he writes thus: " Notwithstanding the King of *Denmark* wrote " to *Schöneich*, who had Orders from " the

“ the Emperor to conduct *Commondons* the
 “ Pope’s Nuncio thro’ *Germany* to the
 “ two Kingdoms of the North, that he
 “ as a publick Minister had no need of
 “ a Passport or Safe-Conduct, I think
 “ however I have reason to say, that
 “ there are many Cases in which an Am-
 “ bassador very much exposes his Per-
 “ son and his Master’s Dignity, if he
 “ does not put himself under the Protec-
 “ tion of the publick Faith, by making
 “ use of a Passport. There are none
 “ but Princes to whom Ambassadors and
 “ publick Ministers are sent, that are
 “ obliged to allow them the Privileges
 “ and Protection annexed to their Cha-
 “ racter by the Law of Nations.”

It is very clear that *Wiquefort* here is
 speaking of a time of Peace, for after-
 wards he says expressly, that a Prince is
 not obliged to admit an Ambassador from
 his Enemy, or to shew any regard to his
 Character, in a Place where his Arms
 might act according to the Laws of War
 without Violation of the Laws of Na-
 tions. This is clearly to the Point, and
 he spends a great many Pages in justify-
 ing what he has laid down, and in prov-
 ing that without a Passport no publick
 Character in time of War is, or ought

to be, regarded. He gives us a very extraordinary Instance of this in the Case of an *English* Minister, which it is worth while to relate for some particular Reasons.

In the Year 1563 the Malecontents in *France*, with the Prince of *Conde* at their head, enter'd into some Intrigues with Queen *Elizabeth*; and as she was a Princess of too much Caution to listen to fine Words and fair Promises, they put the important Town of *Havre de Grace* into her Hands by way of Security. After this was done they patch'd up a Peace with *Charles IX.* and then the Prince of *Conde*, to shew his Zeal for the King's Service, put himself into the Army under the Command of the Constable *Montmorency*, which was sent to reduce *Havre*. There was no War declared, but the Cannon play'd upon the Town as briskly, and the Siege was carried on with as much Vigour, as if there had. The Queen therefore, to be rid of this troublesome Affair, and to get something by it if she could, made choice of *Nicholas Throgmorton*, who had been formerly Ambassador in *France*, to go to *Charles IX.* and to offer him the Surrendry of the Place, provided that
Monarch

Monarch would restore *Calais*. Mr. *Tbrogmorton* was obliged to obey his Mistress ; but he understood his Trade too well to think of venturing himself into *France* at such a time without a Passport ; and therefore he took one from the *French* Ambassador, then resident in *London* : notwithstanding which the *French* arrested him as soon as he landed, without the least Apprehension of their violating the Law of Nations ; and kept him fairly in custody till the Place was reduced. The Story itself is very curious, and not a little to the purpose ; but M. *Wiquesfort*'s Remark upon it is still stronger, and more to the Point.

Tbrogmorton, says he, was the Man in *England* the most capable of conducting an Intrigue ; and it was for this reason they arrested him, without making any scruple about the Law of Nations. And to say the Truth, says he, he suspected this himself, as appears by his taking a Passport ; but being so able a Man as he was, he should have consider'd that an Ambassador's Passport was not sufficient to protect him, because the Authority of an Ambassador does not extend so far, unless he is specially empower'd for that purpose ; and

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there-

therefore his Passport could not be consider'd in any other Light than as a simple Letter of Recommendation.

Our Author's Observation is very judicious, and extremely well founded; for it was thro' the Intrigues of this *very Throgmorton*, that this *very* Affair was brought about; and therefore the *French* were absolutely in the right to keep this Incendiary in their hands, till the Fire he had lighted was effectually put out; and Queen *Elizabeth* was too wise a Princess not to consider the thing in this light, which was probably the Reason that she never demanded any Satisfaction for his Detention; tho' it was accompanied with Circumstances of as great Violence as that of the Bailiff of *Elbingroda*. And so much for Mr. *Wiquefort* and his Authority upon this Subject.

There is but one Author more that there is any necessity for citing on this occasion, and that is the learned M. *Bynkershoek*, in his excellent Treatise of the competent Judge of Ambassadors in Cases civil and criminal. In the seventh Section of his ninth Chapter he tells us, that their High Mightinesses shew extraordinary Kindness to such Ambassadors as only pass thro' their Territory.

“ For,

“ For, says he, it is a Maxim com-
 “ monly known, that the Rights and
 “ Privileges of Ambassadors take place
 “ only between the Prince who sends
 “ those Ambassadors, and him to whom
 “ they are sent ; so that with respect to
 “ every body else they are to be con-
 “ sider’d only as private Persons. It is
 “ upon this Principle that some have
 “ maintain’d, that *Charles V.* did not
 “ violate the Right of an Ambassador,
 “ when he caused two that were sent by
 “ *Francis I.* King of *France* to be assas-
 “ sinated in their Passage thro’ the Du-
 “ chy of *Milan*.”

Here it is worth while to make a little
 Stop to inform the Reader, that under
 the Word *SOME* is comprehended our
 old Friend *M. de Wiquefort* ; who, tho’
 he never thought an Ambassador wrong
 where another Man thought him in the
 right, yet was clearly of opinion that
 these two Ministers met with no more
 than they deserved ; which, because it
 is a strange sort of Doctrine among Peo-
 ple, who have an Abhorrence for Assa-
 sinations, it cannot be amiss to enquire
 a little into the Affair, and see what it
 was that could, in the Sentiments of
 such a Friend to the Law of Nations,

so extraordinary, and, to say the Truth of it, so severe a Proceeding.

These Ministers, who have made such a noise in the World, were *Anthony Rinçon* and *Cæsar Fregosa*, a couple of *French* Instruments, that had been employed in doing a great deal of dirty Work for the Service of *Francis I.* and in order to spirit up all the World against the Emperor, the former of these had been at *Constantinople*, in order to stir up the Infidels to attack the House of *Austria* on one side, while the *French* King attack'd its Dominions on the other. In his Return from *Constantinople* he took *Venice* in his way, where he made a Report to the Senate, for the *French* King's Service, of the Success of his Intrigues, and in how favourable a Disposition he left the Infidels to contribute to the Execution of his Master's Projects. In his Passage down the *Po* with *Fregosa*, it is surmised they were taken out of their Boat, compell'd to declare all they knew, and then sent to the Bottom of the River to prevent their doing more Mischief. The Fact was charged upon the Governor of *Milan*, who it was supposed would not take such a Step without his Master's Orders;

Orders; thus by Reflection the Imputation fell upon the Emperor.

The *French* King talk'd high, threaten'd to break the Truce, which at that time subsisted; and actually seized by way of Reprisal the Archbishop of *Valencia*, who was the Emperor's Uncle; but he took his Measures wrong there, for the Pope interposed, and claim'd him as his Subject; upon which *Francis* for fear of an Excommunication released him; but still there was no pacifying him without Satisfaction for this Violation, as he called it, of the Law of Nations. The Pope therefore, who did not care to see the War break out again in *Italy*, took upon him to expostulate with the Emperor, who answer'd him very coolly, that if King *Francis* had a mind to renew the War, he made use of a very pitiful Pretence in regard to the Deaths of *Rinçon* and *Fregosa*. They were killed, says he, in their passage thro' *Piedmont*, not with the Train of Ambassadors but as Spies; they did not think fit to make themselves known, and therefore People were not obliged to know them, nor to consider them as Publick Ministers. This was the Emperor's Sense of the Matter; and *Wiquefort* says very fairly, that the King

of *France* had no reason to charge the Emperor with a Breach of the Law of Nations, because with regard to him *Rinçon* and *Fregosa* were not Publick Ministers. But, says he, he violated the publick Faith, because he suffered Persons to be assassinated, who ought to have enjoy'd the Benefit of the Truce. He prefaces this Story with observing, *that the Prince who arrests in his Dominions an Ambassador who enters them, or who passes thro' them without his Permission, does not violate THE LAW OF NATIONS.* This is his Sentiment of the thing; this is the Rule of Law, which he lays down as certain and established; therefore the Author we last cited had reason to say, that this was a thing universally acknowledged, and generally known. But it will be much to our purpose to return to that Author's Work, and to hear what he has farther to say upon this Subject.

“ But, continues he, the States General of the United Provinces, who, by the Declaration which we have cited and explain'd, seem to have set the Persons of Ambassadors out of danger on the score of Civil Affairs, have themselves caused an Ambassador
“ of

“ of *Sweden* to be arrested at the request
 “ of a Prince who was their Ally, for
 “ which they assigned no other reason,
 “ than that he had not presented his
 “ Letters of Credence. And certainly
 “ the Privileges of Ambassadors cannot
 “ take Place, but in the Territories of
 “ the Power to whom they were sent,
 “ as *Albericus Gentilis* very well ob-
 “ served; and *Hugo Grotius* after him
 “ has alledged the same Examples.
 “ *Zouch, Huber, Wickfort*, and the rest
 “ of the Moderns, are unanimously in
 “ the same Sentiments.”

On the whole it appears very fully,
 that there is no Colour for alledging in
 this Case, that there is any Breach com-
 mitted against the Law of Nations in the
 seizing the Marshal Duke *de Bellisle*, his
 Brother, and their Attendants, in the
 Territories of *Hanover*, at a time when
 it is notorious to all the World, that
 his most Christian Majesty is at War
 with the Elector. I do not know that hi-
 therto it has appear'd, that his *Prussian*
 Majesty has taken the thing in this light,
 tho' it is visible enough that he had as
 much, or rather more, Reason to resent
 it than the *French* King, because he is
 neither at War with the King of *Great*
Britain,

Britain, nor with the Elector of *Hanover*. Being as he is a Prince of great Genius, high Spirit, deep Penetration, and one perfectly versed in the Law of Nations, as well as in the Rules of Politics, he no doubt applauds in secret what the Situation of Affairs won't allow him openly to approve ; and therefore tacitly admits the Justice of that Proceeding, which without scruple he would have practised had the Case been his own, and he had caught such a Person as the Marshal *Bellisle* traversing his Territories in so unguarded and so unjustifiable a manner.

A certain foreign *Gazette* assures us, that when his Imperial Majesty's Minister addressed himself to a great King on this Subject, and with a view to have procured the Liberty of these illustrious Prisoners, that Prince gave him this short, this clear, this magnanimous Answer : *Sir, I know very well who the Marshal Duke de Bellisle is ; I know that he is the determined Enemy of my Person and Family ; I know too all his Intrigues and all his Schemes in Germany ; and therefore I know how he ought to be dealt with.* It is a great Misfortune Men of quick Parts, and warm Tempers, have
their

their Heads so full of Projects, that they are apt to overlook and despise those Cautions, which are sometimes necessary to be taken, from a Notion that they are fit only for the lower sort of People, for the great Vulgar and the small, and not for such heroic Spirits as move in superior Spheres, and look down with Contempt upon little People, who resemble them only in the Make of their Bodies, while their better Parts are not allied to them in the least.

There was (if I may have leave to compare great things with small) a certain Citizen of *Amsterdam*, that had a large Share of this Vehemence of Soul, which transported him sometimes a little beyond the Rules of Reason. He was not a Duke and Peer, but he was wealthy enough to be a Burgomaster; and in *Holland* there are some of them that think as well of themselves as any Dukes and Peers in the World. He was a general Merchant, dealt to all parts of the Universe, had met with great Success in Business, and was esteem'd one of the best Heads in that City. But with all this he had a strong Mixture of Vanity, and a particular Spleen against the little *German* Princes; which, tho' he was otherwise

a well-bred Man, he would sometimes vent in the Company of his Friend, an honest *German*, who was a Resident there from a little Court, that there is no occasion to mention. He often banter'd him on the Poverty of his Master, the Number of little Princes with the same Title, and above all on the Narrowness of his Dominions, which he was want to say pleasantly enough were not to be seen but in a Two-Sheet Map. The flegmatick *German* Resident could shape no other Answer to these Railleries, than that Merchants were Merchants, and Princes Princes; and that it did not become one, who was indebted to Fortune for all he had, to speak so slightly of those, who were by Birth so much above him.

It happen'd that our Man of Genius had occasion in the way of Trade, and with a view to add a few thousand Florins to his Fortune, to make a trip to the Fair of *Leipsick*; and in his Journey thither, taking up his Lodging one Night at the best Inn there was in a decayed Town, he was arrested just as he was going to bed, and carried to Prison, where he remain'd three Days in a very comfortless Condition, without having

a Soul to speak to, or being able so much as to guess at the Cause of his Confinement. On the fourth Day he was carried before the Magistrate of the Place, a blunt old Fellow, and probably not much higher in Rank than the Bailiff of *Elbingroda*, who as soon as he saw him addressed him in these Words: *Sir, you are now in a Place that perhaps you would not find in your two-sheet Map ; you are now in the Dominions of the Duke of ——— ; you owe your Confinement to the Flippancy of your Tongue ; and the Liberty, which I now restore you, to the Clemency of my Master. Take this for a Warning, and jest no more with German Princes, till you are satisfied that no Accident can ever bring you into their Dominions.* The Merchant made him a low Bow, and retired, very well satisfied that his Indiscretion had cost him no dearer.

As a Marshal of *France* the Duke *de Bellisle* had to be sure no Title to think himself safe in a Country, whither, by his own Advice, his Master was about to transfer the Seat of War ; and would certainly have looked upon it as a Mark of Fear, or at least of want of Spirit, if he had passed without Interruption, or if upon his first Complaint the Re-

gency of *Hanover* had disavowed their Bailiff, and restor'd him to Liberty. Every body knows, that tho' a great Man he has taken great Liberties; and tho' indebted for all his Grandeur to the Favour of Princes, has not shewn quite so much Respect as might have been look'd for to such as are cloath'd with the same Character.

We may indeed distinguish between Vanity, and a certain justifiable Sense of Dignity, which, as all great Men have had, so none ought to be esteem'd less great for having it. But this is so far from making in favour of M. *Bellisle*, that in reality it makes against him; that is to say, instead of drawing any Argument from thence capable of excusing his Impatience, it will be found, that it is a Circumstance that ought particularly to have taught him Moderation. I will explain myself more fully upon this Head, because it is that on which his Advocates have display'd themselves most. They would have us believe, that there is something in this great Man that ought to command Respect every where. His Merit, say they, procured him the Favour of his Master, and it ought to attract the Esteem even
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ful of his Enemies; especially considering the great Dignities and many Titles with which it has cloathed him, and which ought to be considered as so many Imperial and Royal Testimonies to his Worth, which no Circumstances can destroy, no Accidents efface. Very courtly, very plausible indeed!

But with regard to Deference and Esteem it must arise either from Exteriors or Interiors, from the Rank of the Person who requires it, or the Qualities of his Mind. This Gentleman was not born so great a Man as he now is; and therefore without his high Titles, his great Employments do him much Honour. But how were these acquir'd? Was he not made Marshal of *France* for what he performed in the last War? and was he not raised to be Duke and Peer for his Negotiations in the Empire, as well as a Prince of it, by the deceased *Charles VII.* who thought he could do no less, for one who had been so instrumental in setting the Imperial Crown on his Head. These were all Marks of Favour, Returns of Gratitude, and the just Rewards of Services render'd. But surely it is sufficient, that he has not wrought for Masters that were un-
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ful of him; and if his Toils have been so well repaid by them, he ought not in justice to expect, that those at whose Cost he has already acquired so much, should treat him with equal Kindness and Distinction. Has he not valued himself on humbling the House of *Austria*, on bringing the Empire into Dependence upon *France*, and making those Princes, who if they had known their own Strength and Interest might have given her Law, the Instruments of her Will? Did he not once plunder *Bohemia*? Did he not threaten to do as much in *Austria*? And is not this he who talk'd of prescribing Terms to the Queen on the Bastions of *Vienna*? How then should his Honours dazzle the Eyes of the Queen of *Hungary's* Confederates? What is there in them that ought to command Respect on that side? or rather, what is there not in them to provoke a reasonable and justifiable Resentment? The Applause, the Rewards, the Distinctions of an Enemy, render a Man considerable, is is true, but they render him odious at the same time; especially when we consider, that he owes them all to our Losses; and his very Title in *Germany* to the Destruction of *Germans*,
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He was in the wrong therefore to conceive that the *Hanoverians* would respect his Name, his Title, or his Employments; they were all on the contrary fitted to raise Resentments; and if he has felt the Effects of them, he owes it to his own Imprudence.

His Merit comes next under our Consideration. He, say they, is a Man of great Abilities, an able Officer, an excellent Engineer, a Genius capable of commanded the greatest Armies; and with all this a Prodigy too in his Civil Capacity, a wise Statesman, an admirable Orator, a finished Negotiator. Very well! let him be all this, and more; he is so in the Opinion, and for the Service, of the *French* and their Allies. What Title does this give him to the Favour of the *Hanoverians*, or to the Complaisance of the King of *Great-Britain*? The seven Electors, those fine Pieces of Artillery that were the Boast of *Brandenburgh*, and yet were left at *Prague* by his *Prussian* Majesty, when he found it necessary to abandon that City, did the Queen of *Hungary* give them up? did ever any body expect she should? was the question ever put before? No, certainly. What may be of service

service to my Enemy is best in my hands. This is the Case in common Life, and the Reason is precisely the same in Affairs of a publick nature. I say precisely the same. And if a General is of more worth than an Army, an Engineer than a Train of Artillery, an able Minister than both, it follows from hence, that for all these Reasons, and from all these Circumstances, the Capture and Detention of the Marshal *Bellisle* is to the full as reasonable, and much more beneficial, than the taking the *Prussian* Pieces of Cannon; and he is a much more valuable Piece of Furniture at *Windsor-Castle*, than they are at the Arsenal at *Vienna*.

I do not by any means intend to flatter the illustrious Prisoner; I have no desire to experience his Generosity, nor have the least hopes that this Pamphlet will produce me an Order to Mr. *V—N—*; and therefore will make no scruple of softening the Point a little, and of avowing that I take all I have been saying upon trust from his Admirers; and that I do not pretend to pawn my Credit to the Reader, for the Truth of the Character they have given him. He may be all this and more, for any thing

thing I know to the contrary, and he may fall very short of what they have reported him. But be that as it will, their very Character of him is sufficient to support my Argument, and is more than enough to prove, that as his Rank entitled him to no sort of Complaisance, so his Merit, be it what it will, could not be considered, either in *Hannover* or *Britain* in any better Light. His Panegyrist therefore have manifestly mistaken their Cue, for in magnifying him as they have done, they at once justify his Capture, and shew the Value of the Prize. It was their Zeal to be sure that drew them into all this, but *French Zeal* is a strange thing, for it puts People wherever they are upon fancying they are in *France*; and because the Grandeur and Quality of a Marshal, Duke, and Peer, would command infinite Respect there, they fancy he must receive the same in every Part of the World; and because his Eloquence, Penetration and Address are violently cried up there, they imagine immediately that they are to make the same Impression on all who would not be esteemed *Barbarians*. But we have shewn the Absurdity of this so clearly,

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and set their Error in so full a Light, that it is to be hoped they will be silent at least, if not ashamed.

But it is now Time to come to the great Point, that of removing the Marshal out of *Germany*, and bringing him over hither, which seems to be all that is complained of, and that too only by Implication, in the *French Memorial*, signed by M. *d'Argenson*. I say by Implication, because he talks of the Cartel, and of the Ransom fixed thereby for all Officers from Ensigns of Foot up to Marshals of *France*. But that very Memorial seems to destroy itself; for in the Beginning of it is said, that the Marshal did not enter *Hanover* at the Head of an Army, or even at the Head of a Party; if so it is not easy to find out how he comes to be ransomable under the Cartel. He is a Prisoner of War that is certain; he has confessed as much under his Hand, and if the Memorial settles any thing it settles this; but the Point in question is, whether he was made Prisoner of War as Marshal of *France*; for if he had, no doubt he ought to have been ransomed according to the Terms of the Cartel, that is, within the Space limited by the Cartel.

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But it appears plainly from the foregoing Account of the Capture, that he was arrested by the Bailiff of *Elbingroda* simply as a Subject of *France*, found in the Territories of the Elector of *Hanover*, in a Time of War without a Passport ; consequently the Elector of *Hanover* might consider him as a Marshal of *France* or not, as he thought fit. It is a Thing certain and out of Dispute, that he might have gone from *Cassel* to *Berlin* without entering the Territories of *Hanover* at all ; and therefore we must either suppose he did this by Design or by Mistake. If he went intentionally, without doubt it was with a View to serve his Master, and to serve his Master at a Juncture, when Count *Schmettau's* Letters make it most evident that an Invasion was intended on the very Territories through which he passed, in which however it is very plain that he was not to act as a Commander ; so that on one Hand he cannot claim from hence any Right to the Cartel in his Character of a Marshal ; and on the other he has as little Title to Complaisance or Favour from the Manner of his entering the *Hanoverian* Territories, let his Design be what it will. I will not upon this

Occasion mention the Report of his acting as a Spy, of his coming to take a View of the Country, in order to afford the necessary Lights to Marshal *Maillebois*, or any thing else that has been said upon this Occasion, because I propose to discuss this Matter coolly and impartially. But if he came thither knowingly, he thereby afforded his *Britannic Majesty*, Elector of *Hanover*, all the Reason in the World to suspect his Conduct, and not only to treat him as a Prisoner of War, but that too in the severest Manner. He is in this Case to blame himself: It was his own Act, his own Contrivance, and his own Fault, unless he had some particular Instructions; and even then, though this might remove the Fault from him, it does not lay it any where else, unless we are to suppose that *France* is to make use of every Method, and to take all Advantages, without Fear of Retribution, without Danger of Reprizals.

But if, as is most likely, as the Memorial itself suggests, and the very manner of his being taken seems to prove, he was caught by surprize, he then suffers by his own Imprudence. It ought also to be consider'd, that what is alledged about his Mistake, and his sup-
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posing that the Post-house at least belong'd to the King of *Prussia*, is the clearest Evidence that he held himself in danger if he pass'd thro' the Territories of *Hanover* without a Passport; and it was undoubtedly for this very Reason that he submitted to this Arrest, that he acknowledged himself a Prisoner of War, and that he desired the Regency of *Hanover* to apply as soon as possible for the Instructions of their Sovereign upon this Incident. Taking all this together, it is very clear, that notwithstanding what has been thrown out to amuse the World, the Marshal himself, who is the best Judge, looks upon this Matter in its true Light, as an unforeseen and unlucky Accident for him, and in short is the Fortune of War.

As to the Reasons which induced his *Britannick* Majesty to direct his being so closely confin'd at *Hanover*, and his being sent with all convenient speed from thence to *Great Britain*, we cannot pretend to argue upon them till we know them. The last Letters from *Hanover* say, that a Manifesto will be speedily published there, containing those Reasons, and then we shall see this Affair in a clearer Light than it now stands.

Yet

Yet even at present there seems to be Grounds sufficient to justify this Measure entirely to the Publick ; by which I mean that such as take upon them to examine the Events which fall out in *Europe*, may very easily figure to themselves very satisfactory Motives for that Step, which the Partizans of *France* affect to represent as so extraordinary and unjustifiable. As this seems to be a Point of great Curiosity as well as Importance, and as we may not very probably receive this Manifesto from *Hanover* in a Post or two, there can be nothing amiss in amusing ourselves with those Reasons, which, as I hinted before, are suggested to us from the Fact itself.

In the first Place then, if we consider the Character of this illustrious Prisoner, the Share he has had in the Broils, not to say in embroiling *Europe*, his influencing the Imperial Court, and the Business about which he was employed in *Germany*; in short, if we reflect on what he has done, and on what he was about to do; on the Character in which he formerly appeared, and on that with which he was then invested; we must naturally conclude, that there was good Reason to suppose he was intirely in the

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Secret of that important Expedition into the Electorate, on which so great a Stress is laid in the Papers of Count *Schmettau*. We need not wonder therefore at the seizing his Papers, at the guarding his Person so strictly, or at any other of the Precautions, that were taken during his Stay in the Electorate of *Hanover*. Self-Preservation is the first Law of Nature with respect to Nations as well as Individuals; and therefore in such Circumstances whatever was done in that kind was done agreeable to all Laws both human and divine.

In the next Place, it is to be considered that the Time the Marshal *Bellisle* was arrested, the Emperor was living, with whom he had certainly great Interest, and over whom he was supposed to have a vast Ascendancy. It was therefore a very prudent thing to remove such a Man far enough from the Imperial Court, especially at a Juncture when his Advice was very much wanted for the carrying on the War, and where it might be reasonably presumed his Influence might go a great way in putting off or preventing a Peace. It is true, that by the Death of the Emperor these Motives are taken away, but still they might have been the Motives at the
Time

Time he was first confined, for taking those Resolutions which were in a great Measure executed before the Emperor's Death happened; and if at the Time such Resolutions were taken, they were perfectly reasonably and well founded, it suffices for our Purpose; for we pretend to justify such as took them in the Character of Politicians only, and not of Prophets. But to carry the thing still farther, though they might not foresee, as indeed it is not probable they did, the Demise of that Prince, yet if they had, there is room to believe it would not have induced them to have changed their Measures.

For *Thirdly*, If Marshal *Bellisle* had been in *Germany* at that Time, his Presence must have been of extraordinary Consequence either at the Court of *Berlin* or of *Munich*. He would doubtless have furnished better Reasons, and withal have afforded stronger Assurances, to either, or to both those Courts, than can be given by the Ministers now resident there. He might have laid down a new Plan both of Civil and Military Operations; and it is not only very possible, but with all very probable too, that he would have been sent instead of the

the Marquis *de Valori* to *Dresden*; for without doubt he would have had more Weight, though possibly not more Success, than that Minister has had. By which I mean that he must have had Respect paid him, would have had frequent Audiences, and might have delivered himself at these Audiences with greater Freedom; so that taking the thing in this Light, it is not easy to say how many or how great Advantages may have resulted to the Common Cause, from seizing the Marshal *Bellisle* at *Hanover*, and transferring him to *England*.

But a fourth Reason, and no doubt a very strong one, in favour of this bold Step, might be the preventing his Passage to the Court of *Berlin*, where at the Time he was seized he might have been of the utmost Service to his *Prussian* Majesty in both Capacities, as a Statesman and an Officer. He might by his Eloquence and Address have removed the Prejudices that Monarch had conceived from the Slowness of the *French* Motions. He might have explained to him the Secret of them. He might have opened to him their Views in the next Campaign; and he might have pointed
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out the proper Measures for that Prince to pursue when he next takes the Field ; besides the Lights that he might have given for the Defence of *Silesia*, for obtaining the Execution of the *Czarina's* Guaranty of that Country, and the Means of forming New Alliances in other Parts of *Europe* ; Things of themselves of the utmost Consequence, and of so much the greater Consequence, as Affairs were situated at the Time this Transaction happened.

But there was another Motive that might be no less cogent than these, the Marshal was actually charged with several Commissions of very great Importance to other Courts that have not been hitherto mentioned. He was to have proceeded directly from *Berlin* to *Petersburgh*, and to have taken the Courts of *Stockholm* and *Copenhagen* in his Return ; all which Negotiations have been suspended by his Detention. And how far this might be of service, how far it may have helped the Treaty of *Warsaw*, by preventing what otherwise might have retarded the Execution of it, is what we cannot indeed know with certainty, but may with great probability conjecture. If therefore there had been
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no reason but this, the Measure might be fairly pronounced well founded, and worthy of those who advised it; and who they are the Boldness and Vigour of this Action sufficiently points out, notwithstanding the Endeavours that may be used to attribute it to others from the Success with which it has and may be attended.

I shall mention but one thing more, which tho' the last is far from being the least considerable. As the Marshal, Prince, and Duke *de Bellisle* was the Soul of the *French* Interest in *Germany*, so he was the Life of the *Pseudo-German* Party at the Court of *Versailles*. It was he who furnished Reasons for granting new Subsidies to certain Princes, and for sending fresh Armies into the Empire. It was he who maintain'd, that not only the Honour of the King, but the Interest of the *French* Nation, was deeply concerned in the Support of the Pretensions of the House of *Bavaria*; and in obtaining not only an honourable Peace, but an ample Satisfaction for their Family, before an end was put to the War. It was he who formed the Project of bringing the King of *Prussia* a second Time into the War, and in-

duced the *French* Court to venture upon all the Expence with which that Measure was attended. It was he who supported all that Prince's Demands from the Time he enter'd *Bohemia*; and in short it was he, who by suggesting to a certain Court, that it could never be safe while the House of *Austria* remain'd unimpair'd, that prevented the War from being laid asleep some time ago. If therefore much Good was like to arise in regard to the Common Cause by removing so dangerous an Instrument out of *Germany*, there was no less Advantage to be expected from detaining him from the Closet and Councils of his Master. It is very well known that he has many and powerful Rivals, and that his System has been vigourously opposed by some of the greatest Ministers in *France*. It is more than probable then, that his Absence may afford them an Opportunity of opening the Eyes of his Master, shewing him the Folly of exhausting the Blood and Treasure of his Subjects in the Chimerical Pursuit of such an universal Influence, as in all likelihood will never be attain'd; and if it was could never subsist long. On the whole, it is very apparent, that some good

good Effects have already arisen, many more may be justly hoped from this Step; and not one that I know of ever suggested, that might induce those who took it to repent of it, except the idle Story of Marshal *Tallard's* negotiating a Peace here in the Time of the Queen, which was never heard of in *France*; and which never can be believed there, while those are alive who knew the Man; so that instead of wondring about or declaiming against this Measure, the *English* Nation have good Cause to be satisfied that the Marshal at a small Expence is kept quiet in *Windsor-Castle*, whose Intrigues in *Germany* might by this time have produced such Mischiefs, as might have cost them some additional Millions.

To conclude, the Detention was bold and executed with Spirit; the Conduct of the Regency at *Hanover* was prudent and cautious; the sending for him to *England* sound Politicks in Substance, steady and glorious in its Appearance, and hitherto remarkably happy in its Effects. What it may hereafter produce depends upon other Men and other Conceptions, who doubtless may find
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another Pen to record it, but as the thing stands at present there is nothing that needs an Apology; and whoever the Minister was that advised it, he will sooner or later be rewarded with National Applause.



To conclude, the Detention was bold and executed with spirit; the Conduct of the Regency at Albany was prudent and cautious; the tending for him to England, toward Politics in Sublimity, ready and glorious in its Appearance, and hitherto remarkably happy in its Effect. What it may hereafter produce depends upon other Men and other Conjunctions, who doubtless may find another

A P P E N D I X.

The MEMORIAL transmitted by the Dutch Ambassador at the Court of France, in relation to the Capture and Detention of the Marshal Bellisle.

THE King has been informed that the Duke *de Bellisle*, Marshal of France, and the Chevalier *de Bellisle* his Brother, Lieutenant-General of his Armies, being upon a Journey in Germany, put up on the 20th of December last at a Post-house on the Road from *Cassel* to *Berlin*, which belongs to the King of *Prussia*, having his Arms and Livery: that having alighted in the Yard of that House, where they thought themselves in Safety, they were arrested by a Gang of armed Men, without any Officer of Character at the Head of them, but only a Man who styled himself Bailiff of *Elbingroda*, by whose Orders the grossest Violences were committed against Mess. *de Bellisle*, which continued till their Arrival at *Osterode*, whither they were conducted like Criminals,

minals, without any Regard for their Persons and Dignity, which the Bailiff was thoroughly acquainted with.

Such Excesses are not tolerated in any Country, nor in any Circumstances; and Sovereigns ought to do one another Justice for them. His Majesty does not doubt but the King of *Great Britain* has already sent Orders for punishing the Bailiff of *Elbingroda*; and he demands that such Punishment may be speedy, and executed with as much Eclat and Severity, as that Man's Conduct has been indecent, and contrary to all the Rules of Justice and Humanity.

His Majesty is likewise inform'd, that Mess. *de Bellisle* continue to be detain'd at *Osterode*, tho' he is ignorant of the Motives of it. When they were stop't they were not accompanied by any Troops, but only travell'd with their Domesticks, and had Reason to believe that they should enjoy the Freedom of the publick Roads, as all do that traverse *Germany*, either upon their private Business, or the Affairs of their Masters. If it be pretended, that they made free with the Territory of *Hanover*, and that in the Corner of it, which they travers'd, there is no settled Transit; and if the
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Post-house, where they were insulted, does not enjoy any peculiar Franchises, then Mess. *de Bellisle* of course must be deemed Prisoners of War. On such an Occasion it is no easy matter to get in a few Days all the necessary Ecclaircissements; and as a longer Delay would leave them in Suspence in regard to their Fate, the King, in order to obviate all Difficulties, and put an end to their Confinement, has given Orders for paying their Ransom, according to the Cartel-Treaty signed at *Francfort* the 18th of *July* 1743, which was executed in all Points at the End of the Campaign of 1743, and that of 1744.

His Majesty is persuaded, that if the King of *Great Britain's* Commands are not already dispatch'd to the Regency of *Hanover*, he will not delay to send thither positive Orders for setting them at Liberty, whether they be looked upon only as Travellers, or treated as Prisoners of War, in directing the Regency to receive the Price of the Ransom settled by the Cartel, the Amount of which shall be deposited in the hands of the most substantial Bankers in *London*, *Hanover*, *Amsterdam*, and *Hamburgh*, at the Option of his *Britannick* Majesty; and this

is what his Majesty requires and expects of the King of *Great Britain's* Fidelity to his Engagements, as he would do himself in the like Case.

His Majesty could not, in the present Situation of Affairs, get this Memorial deliver'd by his Ministers to those of his *Britannick* Majesty; but has order'd it to be deliver'd to M. *Van Hoey*, Embassador from the States General to him; and his Majesty does not doubt but this Minister will use his Credit with their High Mightinesses, in order to obtain by their good Offices a speedy dispatch of the King of *Great Britain's* Order to the Regency of *Hanover*, for punishing the Bailiff of *Elbingroda*, and releasing Mess. *de Bellisle*.

All Princes and States have an Interest in not suffering the Safety of the High Roads to be interrupted: Hence arises the Necessity of inflicting an exemplary Punishment on the Bailiff of *Elbingroda*.

The Execution of Cartel-Treaties neither can nor ought to be retarded upon any Pretence whatever; and according to that of *Francfort*, every Prisoner ought to be set at liberty fifteen Days after his Detention, either by Exchange or Ransom.

The Marquis d'ARGENSON.

REMARKS upon the FOREGOING MEMORIAL.

The very Titles of Marshal of *France*, and of Lieutenant-General of the *French* Armies, sufficiently shew that these Persons could not be regarded in any other Light than that of Enemies in the Territories of *Hanover*; and if the Bailiff of *Elbingroda* did not behave like a Dancing-Master, tho' his Manners might give Offence to so polite a Court as that of *France*, it is no Reason that his Good-Sense and Fidelity should not excuse his want of Breeding to other People.

As to the Excesses he committed they ought at least to have been specified, when Punishment was insisted upon, and they should be very well proved before it is inflicted. In the mean time these vague Complaints ought to be attributed to Rage and Resentment.

If that Corner of the *Hanoverian* Territories thro' which they passed be no publick Road, then all the Reasonings that are founded on the Privileges of such Roads are out of the question; and as for the Cartel, it must be understood to refer to Persons taken in open

Was and not arrested in the manner in which these Prisoners were.

There are therefore no Causes mention'd in this Memorial, which require that these Prisoners should be set at liberty, let them be regarded in what Capacity they will, nor is his detaining them a Breach of his *Britannick* Majesty's Engagements, because it is not asserted, nor can it be supposed, that he would ever engage that the Emissaries of *France* should have a free Passage thro' his Dominions in a time of War, and when the Troops of *France* were on the very Point of invading those Dominions, in passing thro' which these Emissaries of *France* were arrested.

There is no Reason to believe, that their High Mightinesses, or any other Power in *Europe*, will interpose either for the Release of these Prisoners, or the Punishment of the Bailiff of *Elbingroda*; on the contrary, they are more likely to follow this Example, as appears by what has happen'd to the Count *de Sade*, who had a Right to the same Privileges, or, to speak with greater Propriety, might make use of the same Pretences, urged in this Memorial in favour of the Marshal and Chevalier *de Bellisse*.

F I N I S.

